



# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

---

Legislative Document

No. 1791

H.P. 1279

House of Representatives, February 23, 2010

---

**An Act To Implement Recommendations of the Right To Know  
Advisory Committee Concerning Records of Public Proceedings**

---

Reported by Representative PRIEST of Brunswick for the Joint Standing Committee on  
Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint  
Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 1 MRSA §403, as amended by PL 2009, c. 240, §1, is repealed and the  
3 following enacted in its place:

4 **§403. Meetings to be open to public; record of meetings**

5 **1. Open to public.** Except as otherwise provided by statute or by section 405, all  
6 public proceedings must be open to the public, any person must be permitted to attend a  
7 public proceeding and any public record or minutes of such proceedings that are required  
8 by law must be made within a reasonable period of time after the proceeding and must be  
9 open to public inspection.

10 **2. Record of public proceedings.** Unless otherwise provided by law, records of all  
11 public proceedings for which notice is required under section 406 must be made within a  
12 reasonable period of time after the proceedings and be open to public inspection. At a  
13 minimum, a record must include:

14 A. The date, time and place of the public proceeding;

15 B. The members of the body holding the public proceeding recorded as either present  
16 or absent;

17 C. The general substance of all matters proposed, discussed or decided; and

18 D. All motions and votes taken, by individual member if there is a roll call.

19 **3. Audio or video recording.** An audio, video or other electronic recording of a  
20 public proceeding satisfies the requirements of subsection 2.

21 **SUMMARY**

22 This bill is a recommendation of a majority of the Right To Know Advisory  
23 Committee as described in its 4th annual report.

24 This bill requires that a record of all public proceedings for which notice is required  
25 under the Maine Revised Statutes, Title 1, section 406 must be made within a reasonable  
26 period of time after the proceeding. The record is a public record and must be open to  
27 public inspection. At a minimum, the record must include: the date, time and place of  
28 the public proceeding; the members of the body recorded as either present or absent; the  
29 general substance of all matters proposed, discussed or decided; and all motions and votes  
30 taken, by individual member if there is a roll call. An audio, video or other electronic  
31 recording of a public proceeding is sufficient.

32 This bill is not intended to change current practices of public bodies that are regularly  
33 keeping a record or minutes, but to require that a minimum record of meetings must be  
34 kept for those bodies that do not already do so.

STATE OF MAINE

APPROVED

MAR 31 '10

BY GOVERNOR

CHAPTER

186

RESOLVES

IN THE YEAR OF OUR LORD

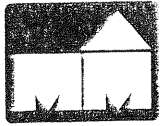
TWO THOUSAND AND TEN

H.P. 1279 - L.D. 1791

**Resolve, Directing the Right To Know Advisory Committee To Further  
Examine Requirements That Public Bodies Keep Records of Public  
Proceedings**

**Sec. 1. Records of public proceedings. Resolved:** That the Right To Know Advisory Committee, established under the Maine Revised Statutes, Title 1, section 411, shall further examine issues related to requiring public bodies to keep records of public proceedings. The issues to be examined must include the form and maintenance of the records to be kept, including how soon the records must be available and how long the records must be retained, the appropriate contents of the records, whether failure to comply with records requirements results in the invalidation of action taken by the public body and other related issues. The advisory committee shall submit a report containing its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011.





# Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

To: Members of the Judiciary Committee

From: Jeffrey Austin, MMA

Date: March 9, 2010

Re: Response to Question concerning LD 1791, *An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings*

---

Here is supplemental information related to LD 1791:

**1. What are the record retention obligations for meeting minutes?**

The record retention schedule is Chapter 10 of the Rules of the Secretary of State (implementing 5 MRSA §95-B). Appendix A is specifically directed at local governments (although other appendices do impact municipal government as well). There are over 70 different documents for which a distinct record retention obligation exists.

With respect to LD 1791 and "meeting minutes", categories A.45, A.46, A.47 and A.56.a appear to me to be the relevant ones for your consideration. Basically, the official meeting minutes of a public body are permanent records and may not be destroyed.

Here are the entries from Appendix A of Chapter 10 of the Rules of the S.O.S.:

<b>A.45. Minutes of Meetings, Notes (Handwritten or Stenographic)</b>	Until transcribed
(See also Item 51.) Notes taken during official meetings held by local government agency, for the purpose of producing minutes.	Not Confidential
<b>A.46. Minutes of Meetings</b>	<b>Permanent</b>
All official meetings held or conducted by local government officials, where official minutes are kept.	Not Confidential
<b>A.47. Minutes of Meetings, Transitory</b>	2 years
Routine staff meetings, NOT the official proceeding of a board or committee.	Not Confidential
<b>A.56.a Recordings of Meetings Without Verbatim Transcript</b>	5 years
All official meetings held or conducted by local government officials. If both an audio and a video recording are made at the direction of the local government agency, only one or the other needs to be retained for 5 years.	Not Confidential

2. **What record keeping obligations for municipal government exist today?**

1. The approval, approval with conditions, or denial of any application for any permit, certificate or license required by the municipality must be recorded in writing with the reasons for the decision and the findings of fact which support the reasons;

2. Any decision made by the municipality to dismiss a public official, employee or appointee, or any refusal to renew the contract of such an individual, with the reasons for the decision and the findings of fact which support the reason;

3. **General Assistance fair hearings** (appeals) must be taped (and this tape is a confidential record) (22 M.R.S.A. § 4322). Note: a General Assistance appeal is not a public proceeding;

4. **A record of all board of appeals meetings** must be prepared and kept by the secretary to the board (30-A M.R.S.A. § 2691). There is no legal requirement that these meetings be taped, but taping these meetings is a good idea, if only to minimize disputes about the completeness or accuracy of written minutes.

5. **A record of the votes of the town meeting must be recorded** by the town clerk (30-A M.R.S.A. § 2524). There is no law requiring that town meetings be taped, nor do the town meeting minutes have to reflect or summarize the debates. Only the votes—the election outcomes and the final actions taken—need be recorded. An accurate record of the language of any motion and the action taken on it often helps resolve questions about municipal action that arise after the town meeting is adjourned.

6. When the issue of a **financial conflict-of-interest** comes up during the course of a board's meeting, 30-A § 2605(4) requires that an official's disclosure of any conflict and abstention from the proceedings must be recorded with the municipal clerk. This law applies generally to all municipal boards and committees.

7. **Conditional approvals or denials of applications**, licenses or other permits (other than applications or permits for matters which are confidential) require that when a permit is denied or approved with conditions, a written record of the reasons must be made and kept available to the public (1 M.R.S.A. § 407).

8. **In dismissal or failure to renew employment contract situations**, 1 M.R.S.A. § 407 requires a written record of every decision to dismiss or refusal to renew the contract of any public employee, appointee or official. This final decision is not confidential once local administrative appeals have been exhausted; it is an exception to the provisions of confidentiality pertaining to personnel records found at 30-A M.R.S.A. § 2702.

9. **A motion to go into executive session** must be made by a public recorded vote of 3/5 of the members present and voting (1 M.R.S.A. § 405(3)).

[This information is listed in the MMA Legal Publication – *Municipal Officers Manual*.]

## MINUTES

### **Title 1, §403. Meetings to be open to public**

Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public, any person must be permitted to attend any public proceeding and any public record or minutes of such proceedings that are required by law must be made promptly and must be open to public inspection.

ENTITY	MINUTES REFERENCE	STATUTE
Legislative Council	(The duties of the Executive Director of the Legislative Council are:) To . . . maintain minutes of the regular meetings of the council.	3 MRSA §163, subsection 5
Joint standing committees and joint select committees of the Legislature	A committee shall keep minutes of matters considered and votes take at its meetings	3 MRSA §165, subsection 5
Maine Governmental Facilities Authority	The (conflict of) interests must be disclosed to the authority in writing and must be set forth in the minutes of the authority	4 MRSA §1615
Maine Criminal Justice Commission	Minutes of all meetings must be taken and maintained by the commission	5 MRSA §3358, subsection 5
Maine Fire Protection Services Council	The commission shall take and maintain minutes of all meetings	5 MRSA §3371, subsection 5
Bureau of Human Resources	(The Director of Human Resources shall) . . . keep full and complete minutes of investigatory hearings. These records and minutes must be open to public inspection unless otherwise provided by law	5 MRSA §7036, subsection 22
Boards established by Title 5, chapter 379	Records and minutes of all boards shall be open and readily available in a place convenient and accessible to the public Each board shall . . . keep minutes of all meetings and record all actions	5 MRSA §12003-A, subsection 5  5 MRSA §12014, subsection 1, ¶A
Loring Development Authority	Acquisition/ownership of financial or personal interest . . . disclosure must be entered into the board's minutes	5 MRSA §13080-H, subsection 1 and subsection 2
Midcoast Regional Development Authority	Acquisition/ownership of financial or personal interest . . . disclosure must be entered into the board's minutes	5 MRSA §13083-), subsection 1 and subsection 2

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Maine Rural Development Authority	Acquisition/ownership of financial or personal interest . . . disclosure must be entered into the board's minutes	5 MRSA 13120-J, subsection 1 and subsection 2
State retirement system	Board must conduct investigation or record in the official minutes of a meeting of the board . . its decision not to do so	5 MRSA 17107, subsection 2, ¶E, sub¶(2-A)
Substance Abuse Services Commission	The commission shall keep minutes of all meetings, including a list of people in attendance	5 MRSA §20066, subsection 3
Political subdivision's board of appeals - airport zoning	The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, . . . , all of which shall immediately be filed in the office of the board and shall be a public record	6 MRSA §243, subsection 3
Animal Welfare Advisory Council	The council shall send notice and minutes of the meetings to the joint standing committee of the Legislature having jurisdiction over animal welfare matters	7 MRSA §3906-C, subsection 6
State Liquor and Lottery Commission	The minutes of every meeting of the commission, including any rules promulgated by the commission or any amendments, revisions, supplements or repeals, shall be immediately transmitted, by and under the certification of the secretary to the commissioner and the Governor	8 MRSA §374, subsection 2
Finance Authority of Maine	The authority shall arrange for recordation of the conference call when appropriate and prepare minutes of the emergency meeting	10 MRSA §971, subsection 2
Maine Land Use Regulation Commission	The commission shall keep minutes of all proceedings, which are a public record and on file in the office of the commission	12 MRSA §684, first ¶
Grand juries	May appoint one member to take minutes of their proceedings to be delivery to the attorney, if the jury so directs	15 MRSA §1256
State Board of Education	The state board shall keep a complete record of the minutes of its meetings and other procedures	20-A MRSA §404, subsection 1
Superintendent of school administrative unit	The superintendent is responsible for: . . .Keeping a permanent record of all the votes, orders and proceedings	20-A MRSA §1055, subsection 1

Shaded entries apply to more than one board/commission



ENTITY	MINUTES REFERENCE	STATUTE
Interstate school district, member districts	If a majority of the voters . . . vote in the affirmative, the clerk shall send to the state board . . . minutes of the meeting of the district	20-A MRSA §3611
Maine-New Hampshire Interstate School Board	The secretary or clerk shall keep the minutes of its meetings	20-A MRSA §3628
Maine Educational Loan Authority	. . . and may cause copies to be made of all minutes and other records and documents of the authority	20-A MRSA §11416
Professional Standards Board (Education)	The board shall maintain records and minutes of its meetings and shall file them in the certification office within the department	20-A MRSA §13101, subsection 6, ¶E
Health Facilities Authority	The executive director may cause copies to be made of all minutes and other records and documents of the authority	22 MRSA §2054, subsection 3
Maine Dental Health Council	The council shall keep minutes of all meetings, including a list of people in attendance	22 MRSA §2098, first ¶
Oral health care program boards	Responsible for holding regularly scheduled meetings, of which minutes must be kept	22 MRSA §2127, subsection 2, ¶C, sub-¶(2)
Board of Licensure of Water System Operators	The board shall keep all records and minutes necessary to the ordinary dispatch of its functions.	22 MRSA §2624-A, subsection 8
Medical school/state board (for collection, distribution and delivery of dead bodies)	Shall keep full and complete minutes of its transactions	22 MRSA §2882
Board of Maine's Children's Trust Incorporated	Secretary shall maintain the minutes of board meetings	22 MRSA §3883, subsection 3
Interstate Compact for the Placement of Children	The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons for taking such actions, including a description of each of the views expressed on any item and the record of any vote by roll call, reflected in the vote of each member on the question. All documents considered in connection with any action must be identified in the minutes	22 MRSA §4260, subsection 2, ¶C
Hospice programs	Shall maintain, at a minimum, . . . minutes of governing body meetings	22 MRSA §8623, subsection 9, ¶A

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Maine Hospice Council	The minutes of all proceedings of the council shall be a public record available and on file in the office of the council	22 MRSA §8813
Fraternal benefit societies (insurance)	The minutes of the proceedings of the supreme legislative or governing body and of the board of directors or corresponding body of a society shall be in the English language (public board?)	24-A MRSA §4135
Board of Trustees of Dirigo Health	Minutes of meetings of the Board of Trustees of Dirigo Health must be provided to each member of the joint standing committees of the Legislature having jurisdiction over insurance and financial services matters, health and human services matters and appropriations and financial affairs	24-A MRSA 6908, subsection 13
Maine Jobs Council Standing Committee on Apprenticeship	The committee shall keep minutes of all meetings, including a list of people in attendance	26 MRSA §2006, subsection 5-B, ¶D
County commission records; county clerk duties	County clerks must be sworn and shall make a record of the actions of the county commissioners; these records shall be examined by the county commissioners and, when correct, shall certify them and they shall be adopted into the records of the county commissioners by the clerk	30-A MRSA § 81, subsection 2
County personnel board	Shall keep full and complete minutes of its proceedings, which are, subject to reasonable rules, open to public inspection	30-A MRSA §523
Androscoggin County Budget Committee	The budget committee shall enter into its minutes an explanation for any change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §725, subsection 3, ¶A
Aroostook County Finance Committee	The finance committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §739-B, subsection 2, ¶A

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Cumberland County Budget Advisory Committee	The budget advisory committee shall conduct its meetings in public in accordance with this subsection and shall record its minutes and votes	30-A MRSA §741-A, subsection 3
Cumberland County Budget advisory committee	The budget advisory committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues initially presented by the county commissioners	30-A MRSA §742-A, subsection 3, ¶A
Knox County Budget Committee	The budget committee records in its minutes an explanation for any suggested change in the itemized estimated budget initially presented by the county commissioners	30-A MRSA §753, subsection 2, ¶A
Piscataquis County Budget Committee	The county commissioners shall enter into their minutes and submit to the budget committee a statement of their bases for any rejection of any recommendation of the budget committee	30-A MRSA §825, subsection 5, ¶A
York County Budget Committee	The budget committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §833, subsection 2, ¶A
Waldo County Budget Committee	The budget committee shall enter into its minutes an explanation for any change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §855, subsection 2, ¶A
Kennebec County Budget Committee	The budget committee shall keep minutes and record votes for every meeting	30-A MRSA §863, subsection 2
Kennebec County Budget Committee	The budget committee enters into its minutes as explanation for any recommended change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §864, subsection 2, ¶A
Franklin County Budget advisory committee	The advisory committee enters into its minutes for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §874, subsection 2, ¶A

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Somerset County Budget Committee	The budget committee enters into its minutes as explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners	30-A MRSA §897, subsection 2, ¶A
Regional planning commissions	The minutes of the proceedings of the commission must be filed in the commission's office. These minutes are a public record. Copies of the minutes must be posted on a publicly accessible site on the Internet and be provided to the municipal officers and the planning board of each member municipality upon request.	30-A MRSA §2324
Boards of appeals, municipalities	The secretary shall maintain a permanent record of all board meetings and all correspondence of the board. The secretary is responsible for maintaining those records which are required as part of the various proceedings which may be brought before the board. All records to be maintained or prepared by the secretary are public records. They shall be filed in the municipal clerk's office and may be inspected at reasonable times.	30-A MRSA § 2691, subsection 3, ¶ B
Municipal officers, urban renewal	Acquisition/ownership of financial or personal interest . . . disclosure must be entered into the municipal officers' minutes	30-A MRSA §5122, subsection 1 and subsection 2
Emergency Medical Services Board	The board shall keep records and minutes of its activities and meetings. These records and minutes must be made easily accessible to the public and be provided expeditiously upon request	32 MRSA §88, subsection 2, ¶E
State Board of Licensure for Professional Engineers	The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions	32 MRSA §1308, first ¶
Board of Licensure in Medicine	Any (fee) waiver request granted and the basis for the waiver must be recorded in the minutes of the board's proceedings	32 MRSA §3280-A, subsection 3, ¶C

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Board of Licensure in Medicine	The board shall immediately enter the order of reinstatement in the minutes and records of the board	32 MRSA §3289
Board of Underground Oil Storage Tank Installers	The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions	32 MRSA §10004, subsection 4
State Sentencing and Corrections Practices Coordinating Council	The council shall . . . keep minutes and records of the meetings.	34-A MRSA §1209-A, subsection 4
Policy Review Council (Corrections & Education))	The Council shall . . . keep minutes and records of the meetings. The council shall submit a report each year to the joint standing committee of the Legislature having jurisdiction over education matters	34-A MRSA §3002-A, subsection 5
Interstate Commission for Adult Offender Supervision	The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons for taking such actions, including a description of each of the views expressed on any item and the record of any vote by roll call, reflected in the vote of each member on the question. All documents considered in connection with any action must be identified in the minutes	34-A MRSA §9877, subsection 6
Interstate Commission for Juveniles	The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any action must be identified in such minutes	34-A MRSA §9903, subsection 10

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Children's Mental Health Oversight Committee	The committee shall elect a secretary from among its members who shall work with staff to keep and to distribute minutes to members and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over corrections matters, the joint standing committee of the Legislature having jurisdiction over educational and cultural affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters	34-B MRSA §15004, subsection 2, ¶B
Public utility's board of directors or trustees	The minutes of the meeting at which approval is given (for insider transaction) shall indicate the nature of the transaction or transactions, that the review was undertaken and approval given and the names of individual directors or trustees who voted; brief statement of each dissenting reason shall be included in the minutes if the dissenting trustee/director so directs (public board?)	35-A MRSA §709, subsection 2
Governing body of consumer-owned water utility	A consumer-owned water utility that chooses to make no investment in water main extensions or service lines under subsection 1 shall notify the commission . . . and shall include the minutes or other record of the decision	35-A MRSA §6106, subsection 4
ConnectME Authority	The interest (of an authority member in any firm, partnership, corporation or association that is party to the contract) must be disclosed to the authority in writing and must be set forth in the minutes of the authority	35-A MRSA §9209
Executive committee of primary assessing area	Chief assessor shall serve as secretary of the executive committee and keep all committee minutes	36 MRSA §474, subsection 1

Shaded entries apply to more than one board/commission

ENTITY	MINUTES REFERENCE	STATUTE
Saco river Corridor Commission	The minutes of all proceedings of the commission shall be a public record available and on file in the office of the commission	38 MRSA §954-A
St. Croix International Waterway Commission	The executive director shall be responsible for preparation of the commission's . . . meeting minutes	38 MRSA §995, subsection 2 38 MRSA §997, subsection 3
St. Croix International Waterway Commission working committees	Committees shall submit, at each meeting of the commission, minutes of their proceedings since the last preceding meeting of the commission	38 MRSA §998, subsection 6

Data from 7-2-08

G:\Studies - 2010\Right to Know Advisory Committee\minutes chart revised 7-02-08.doc (7/14/2010 4:02:00 PM)

Shaded entries apply to more than one board/commission





# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Alabama	§36-25A-4	Governmental bodies required to maintain accurate records of meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members present or absent</li> <li>• Actions taken</li> </ul>
Arizona	§38-431.01(B)(1)-(4)	All public bodies except for subcommittees and advisory committees shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions	<ul style="list-style-type: none"> <li>• Date, time and place of meeting</li> <li>• Members of the public body recorded as either present or absent</li> <li>• A general description of the matters considered</li> <li>• An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion</li> <li>• The names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material</li> </ul>
Colorado	§24-6-402	Minutes of any meeting of a state public body shall be taken and promptly recorded Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded Each public body shall maintain minutes of its meetings	
Delaware	29 Del. Code §10004(f)		<ul style="list-style-type: none"> <li>• Record of those members present</li> <li>• Record, by individual members (except where the public body is a town assembly where all citizens are entitled to vote), of each vote taken and action agreed upon</li> </ul>

TV-5

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
District of Columbia	§1-207.42(b)	A written transcript or a transcription shall be kept for certain meetings and shall be made available to the public during normal business hours of the District government.	
Florida	§286.011	Written minutes of a public meeting be promptly recorded and open to public inspection	<ul style="list-style-type: none"> <li>AG: a brief written summary or series of notes reflecting the events of the public meetings; do not need to be verbatim transcripts of the meeting</li> </ul>
Georgia	§50-14-1(e)(2)	Minutes of meeting shall be promptly recorded and open to public once approved as official by agency, but in no case later than next regular meeting	<ul style="list-style-type: none"> <li>Summary of subjects acted upon</li> <li>Members present</li> </ul>
Hawaii	§92-9	Board shall keep minutes of all meetings	<ul style="list-style-type: none"> <li>Full transcript not required, but minutes must give true reflection of matters discussed and views of participants</li> <li>Date, time and place of the meeting</li> <li>Names of members present and absent</li> <li>Substance of all matters proposed, discussed or decided</li> <li>Record, by individual, of all votes taken</li> <li>Any information that a member requests be included in the minutes</li> </ul>
Idaho	§67-2344	Governing body of a public agency is required to provide written minutes	<ul style="list-style-type: none"> <li>Full transcript or recording not required</li> <li>All members present</li> <li>All motions, resolutions, orders or ordinances proposed and their disposition</li> <li>Results of all votes and, upon request of a member, the vote of each member by name</li> </ul>

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Illinois	5 ILCS 120/2.06(a)	All public bodies must keep written minutes of all their meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members of public body recorded as either present or absent</li> <li>• Summary of discussion on all matters proposed, deliberated or decided</li> <li>• Record of any votes taken</li> </ul>
Indiana	§5-14-1.5-4	Governing body of a public agency must keep memorandum of the meeting	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members of the governing body recorded as either present or absent</li> <li>• General substance of all matters proposed, discussed or decided</li> <li>• Record of all votes taken, by individual members if there is a roll call</li> </ul>
Iowa	§21.3	Each governmental body shall keep minutes of all its meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members present</li> <li>• Action taken</li> <li>• Results of each vote, vote of each member</li> </ul>
Kentucky	§61.835	The minutes of action taken at every meeting of any certain public agency shall be promptly recorded	<ul style="list-style-type: none"> <li>• Accurate record of votes and actions</li> </ul>

## Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Louisiana	§42:7	All public bodies shall keep written minutes of their open meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members of the public body recorded as either present or absent</li> <li>• Substance of all matters decided</li> <li>• At the request of any member, votes taken</li> <li>• Any other information the public body requests to be included or reflected in the minutes</li> </ul>
Maryland	§10-509	As soon as practicable after a public body meets, it shall have written minutes of its session prepared; a session may be tape recorded by a public body Minutes and any tape recording must be preserved for at least one year after the date of the session	<ul style="list-style-type: none"> <li>• Each item the public body considered</li> <li>• The action the public body took on each item</li> <li>• Each vote that was recorded</li> </ul>
Maryland	§10-509	Public body must prepare minutes of the meeting as soon as practicable	<ul style="list-style-type: none"> <li>• Each item considered</li> <li>• Action take</li> <li>• Each recorded vote</li> </ul>
Massachusetts	c. 39, §23B c. 66, §5A	A governmental body shall maintain accurate records of its meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members present or absent</li> <li>• Action taken</li> <li>• Subjects acted upon</li> </ul>
Michigan	§15.269	Public body shall keep minutes of each meeting	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members present, members absent</li> <li>• Any decisions made</li> <li>• Roll call votes</li> </ul>

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Mississippi	§25-41-11	Minutes shall be kept of all meetings of a public body	<ul style="list-style-type: none"> <li>• Members present and absent</li> <li>• Date, time and place</li> <li>• An accurate recording of any final actions taken at such meeting</li> <li>• Record, by individual member, of any votes taken</li> <li>• Any other information that the public body requests be included or reflected in the minutes</li> </ul>
Missouri	§610.020.7	A journal or minutes of meetings must be taken and retained	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members present and absent</li> <li>• Record of votes taken</li> <li>• If roll call taken, individual votes or abstinence</li> <li>• The nature of the good cause justifying the departure from the normal requirements</li> </ul>
Montana	§2-3-212	Minutes must be kept	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• List of individual members in attendance</li> <li>• Substance of all matters discussed</li> <li>• Record of any votes taken</li> </ul>
Nebraska	§84-1413	Each public body shall keep minutes of all meetings	<ul style="list-style-type: none"> <li>• Time and place</li> <li>• Members present and absent</li> <li>• Substance of all matters discussed</li> <li>• The record shall state how each member voted or if the member was absent or not voting.</li> </ul>

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Nevada	§241.035(1)	Each public body shall keep written minutes of each of its meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Members who were present and who were absent</li> <li>• Substance of all matters proposed, discussed or decided</li> <li>• At request of any member, record of each member's vote on any matter decided by vote</li> <li>• Substance of remarks made by any member of the general public who addresses the public body if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion</li> <li>• Any other information which any member of the public body requests to be included or reflected in the minutes</li> </ul>
New Hampshire	91-A:2	Minutes of all such meetings shall be promptly recorded	<ul style="list-style-type: none"> <li>• Names of members</li> <li>• Persons appearing before the public body</li> <li>• A brief description of the subject matter discussed and final decisions</li> </ul>
New Jersey	§ 10:4-14	A public body is required to keep reasonably comprehensible minutes of all meetings	<ul style="list-style-type: none"> <li>• Time and place</li> <li>• Members present</li> <li>• Subject considered</li> <li>• Actions taken</li> <li>• Vote of each member</li> <li>• Time, place and manner how public notice was given</li> </ul>

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
New Mexico	§10-15-1(G)	Policymaking body shall keep written minutes of all its meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Names of members in attendance and those absent</li> <li>• Substance of proposals considered</li> <li>• Record of any decisions</li> <li>• Votes taken that show how each member voted</li> </ul>
New York	Pub. Off. Law §106(1)	Minutes shall be taken at all open meetings of a public	<ul style="list-style-type: none"> <li>• Record or summary of all motions, proposals, resolutions and any other matter formally voted upon</li> <li>• Vote</li> </ul>
North Carolina	§143-318	Every public body shall keep full and accurate minutes of all official meetings May be in written form, or at the option of the public body, may be in the form of sound or video and sound recording	
North Dakota	§44-04-21	Minutes must be kept of all open meetings. Disclosure not conditioned on the approval of the minutes by the governing body	<ul style="list-style-type: none"> <li>• Names of members attending</li> <li>• Date and time the meeting was called to order and adjourned</li> <li>• A list of topics discussed regarding public business</li> <li>• A description of each motion made at the meeting and whether the motion was seconded</li> <li>• The results of every vote taken at the meeting</li> <li>• Vote of each member on every recorded roll call vote</li> </ul>
Ohio	§149.43	Minutes of any public body shall be promptly prepared, filed and maintained	

## Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Oklahoma		The proceedings of a public body shall be kept = official summary	<ul style="list-style-type: none"> <li>• Members present and absent</li> <li>• All matters considered</li> <li>• All actions taken</li> </ul>
Oregon	§192.650(1)	The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings.	<ul style="list-style-type: none"> <li>• Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants</li> <li>• Members present</li> <li>• All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition</li> <li>• The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name</li> <li>• Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting</li> </ul>



# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Pennsylvania	65 Pa. Cons. Stat. §706 and §705	Minutes are required; not satisfied by an audio tape	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Names of members present</li> <li>• Substance of all official actions</li> <li>• Record by individual member of roll call votes</li> <li>• Names of all citizens who appeared officially and the subject(s) of their testimony</li> <li>• Votes of each member if roll call</li> </ul>
Rhode Island	§42-46-7	All public bodies must keep written minutes of their meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• All present and absent members</li> <li>• Record by individual members of any vote taken</li> <li>• Other information relevant to the business of the public body that any member requests to be included or reflected in the minutes</li> </ul>
South Carolina	§30-4-90	Minutes are required of all meetings	
South Dakota	§1-25-3	State agencies required to keep minutes under generic open meetings chapter; various other bodies covered by statutes	
Tennessee	§8-44-104	Minutes of a meeting of any such governmental body shall be promptly and fully recorded	<ul style="list-style-type: none"> <li>• Persons present</li> <li>• All motions</li> <li>• Proposals and resolutions offered</li> <li>• Results of any votes taken</li> <li>• Record of individual votes if roll call</li> </ul>

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Tennessee	§8-44-104	Minutes of a governmental body's meetings must be promptly and fully recorded	<ul style="list-style-type: none"> <li>• Record of persons present</li> <li>• All motions, proposals and resolutions offered</li> <li>• Results of any votes taken</li> <li>• Record of individual votes if roll calls</li> </ul>
Texas	§551.021(a)	Governmental body must prepare and keep minutes or make a tape recording of each open meeting of the body	<ul style="list-style-type: none"> <li>• Subject matter of each deliberation</li> <li>• Each vote, order, decision or other action taken</li> </ul>
Utah	§52-4-203	Written minutes and a recording of all open meetings	<ul style="list-style-type: none"> <li>• Date, time and place of the meeting</li> <li>• Names of members present and absent</li> <li>• Substance of all matters proposed, discussed or decided</li> <li>• Record, by individual, of all votes taken</li> <li>• Names of all citizens who attended and substance of their testimony</li> <li>• Any information that a member requests be included in the minutes</li> </ul>
Vermont	1 VSA §312(b)(1)	Minutes must be prepared that cover all topics and motions that arise and must give a true indication of the business of the meeting	<ul style="list-style-type: none"> <li>• Members present</li> <li>• All active participants</li> <li>• All proposals or motions made or considered and their disposition</li> <li>• Results of any votes or roll calls</li> </ul>

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
Virginia	§2.2-3707	Minutes shall be recorded at all public meetings except General Assembly committees and other exceptions Must post on Internet	<ul style="list-style-type: none"> <li>• Minutes shall be in writing</li> <li>• Date, time and</li> <li>• Members of the public body recorded as present and absent</li> <li>• Summary of the discussion on matters proposed, deliberated or decided</li> <li>• Record of any votes taken</li> <li>• For electronic communication meetings conducted in accordance with § 2.2-3708, minutes of state public bodies shall include <ul style="list-style-type: none"> <li>• the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communications means</li> <li>• the identity of the members of the public body who were physically assembled at the primary or central meeting location</li> <li>• the identity of the members of the public body who were not present at the locations identified above, but who monitored such meeting through electronic communications means</li> </ul> </li> </ul>
Washington	RCW §42.32.030	All minutes of regular and special meetings must be promptly recorded	

# Public Meetings Minutes/Records Requirements - other states

August 26, 2009

State	Cite	Minutes requirement	Contents
West Virginia	§6-9A-5	Every public agency is required to maintain minutes of its meetings	<ul style="list-style-type: none"> <li>• Date, time and place</li> <li>• Name of each member present and absent</li> <li>• All motions, proposals, resolutions, orders, ordinances and measures proposed; name of person proposing; disposition</li> <li>• Results of all votes</li> <li>• Upon request of a member, the vote of each member by name</li> </ul>
Wisconsin	§19.88(1)	Motions and roll call votes of each meeting of a governmental body shall be recorded	<ul style="list-style-type: none"> <li>• Motions</li> <li>• Roll call votes</li> </ul>
Wyoming	§16-4-403	Minutes of a meeting are required to be recorded but not published from meetings when no action is taken by the governing body; are not required to be recorded or published for day-to-day administrative activities of an agency.	

G:\STUDIES 2009\Right to Know Advisory Committee\Minutes requirements - other states.doc (8/26/2009 10:22:00 AM)